

**FEDERAL PUBLIC DEFENDER**

NORTHERN DISTRICT OF CALIFORNIA  
555 12TH STREET, SUITE 650  
OAKLAND CALIFORNIA 94607-3627

**BARRY J. PORTMAN**  
*Federal Public Defender*

Telephone (510) 637-3500  
Fax (510) 637-3507

August 31, 2007

Honorable Saundra Brown Armstrong  
United States District Court Judge  
1301 Clay Street, Courtroom No. 3  
Oakland, CA 94612  
attn: Lisa Clark

**United States v. David Shivers CR 07-00346 SBA**  
**RE: Changing 9/4/07 court appearance to a status hearing**

Dear Judge Armstrong:

The above-referenced case is currently on Your Honor's calendar for September 4, 2007, at 11:00 a.m. for change of plea. The parties are not prepared to proceed with a change of plea on Tuesday, September 4, 2007, but do anticipate that the case will resolve in a change of plea imminently. Accordingly, I am asking that matter be taken off the 11:00 a.m. calendar and placed on the 9:00 a.m. calendar for status.

I have spoken to Special Assistant United States Attorney Derek Butts who does not object to the case being called at 9:00 a.m.

Thank you.

Sincerely,

**BARRY J. PORTMAN**  
Federal Public Defender

/S/  
JOYCE LEAVITT  
Assistant Federal Public Defender

cc: Derek Butts, SAUSA